

EXHIBIT A

to

Joint Stipulation on Settlement and Release

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL C. YANCHAK, individually and
on behalf of all persons similarly situated,

Plaintiff,

v.

CANNERY CASINO RESORTS, LLC and
WASHINGTON TROTTHING
ASSOCIATION, INC.,

Defendants.

C.A. No. 2:13-cv-01831-MRH

Judge Mark R. Hornak

Class and Collective Action

JURY TRIAL DEMANDED

**IF YOU WORKED AS A TABLE GAMES DEALER AT THE
MEADOWS RACE TRACK AND CASINO BETWEEN JULY 1,
2010 AND DECEMBER 31, 2013, YOU COULD GET A PAYMENT
FROM A CLASS ACTION SETTLEMENT.**

A FEDERAL COURT AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.

- **Please read this notice carefully.** This notice relates to a proposed settlement of class-action claims. If you are a class member, it contains important information as to your rights.
- **A class action settlement has been reached between the parties in the above-captioned lawsuit** on behalf of all individuals who were employed as hourly Table Games Dealers (“Dealers”) by Cannery Casino Resorts, LLC and Washington Trotting Association, Inc. at the Meadows Race Track and Casino (the “Meadows”) during the period July 1, 2010 through December 31, 2013 (“Class Period”).
- **If you wish to be part of this Settlement,** you need **do nothing.**
- **If you wish to be excluded from the Settlement, you must submit a Request for Exclusion form** (yellow form) postmarked on or before _____. [45 Days after mailing date of notice]. If you submit an exclusion form which is postmarked after _____, your exclusion form will be rejected and you will be bound by the Class Release and all other Settlement terms.
- Your legal rights and options in connection with this Settlement—**and the deadlines to exercise them**—are explained in this notice.

- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved.

1. WHY HAVE YOU RECEIVED THIS NOTICE?

You have received this Notice because the Meadows' records indicate that you were employed at some time during the Class Period as a non-exempt Dealer (including poker and dual-rate Dealers) in the Table Games Department at the Meadows. This Notice is designed to advise you of this settlement or, alternatively, how you can be excluded from this settlement, or object to this settlement.

2. HISTORY OF THE LITIGATION

On December 31, 2013, a class action lawsuit was filed by Plaintiff on behalf of himself and all individuals similarly situated. This class action lawsuit alleged that Cannery Casino Resorts, LLC and Washington Trotting Association, Inc. did not pay the Class Members for all hours worked in a workweek by improperly "rounding" the number of hours worked during a shift by such employees. Cannery Casino Resorts, LLC and Washington Trotting Association, Inc. deny and have contested the allegations made in this case.

The total amount of the proposed Settlement is \$350,000.00, from which court approved attorneys' fees and costs, a service payment to the Class Representative, and one half of the Claims Administration costs will be deducted, leaving a "Net Settlement Amount."

Settlement awards will be paid out of the Net Settlement Amount to Class Members based on a formula that calculates a proportional number of shifts worked over the Class Period.

The Court has granted preliminary approval to a Joint Stipulation of Settlement and Release, which has been signed by the parties.

3. SUMMARY OF THE PROPOSED SETTLEMENT

A. Total Payout Settlement

This settlement is a total payout, meaning that Cannery Casino Resorts, LLC and Washington Trotting Association, Inc. have agreed to pay the entire \$350,000.00 regardless of the number of exclusions received. Settlement awards for participating Class Members will be paid out of the Net Settlement Fund (the total settlement amount minus the service payment, attorneys' fees and costs, and claims administration fees) based on the formula described below.

B. Settlement Formula

Settlement awards will be paid to each Class Member who does not submit a valid and timely Exclusion Form. Each Class Member will receive a proportionate share of the Net Settlement Amount based on the percentage of total shifts that he or she worked during the Class Period.

Because this is a total payout settlement, the amount of the settlement payments to participating Class Members will increase depending on the number of timely and valid exclusions that are filed. In other words, if some Class Members turn in exclusion forms, more money will go to those who do not.

The Exclusion Form that you receive with this Notice (yellow form) informs you of the amount that you are expected to receive (approximately) if you do not submit a valid and timely Exclusion Form. As earlier explained, this amount will increase if some eligible members exclude themselves. Your amount will also increase if the Court declines to approve the fees requested by Class Counsel, the reimbursement of litigation expenses, the service payment to the Class Representative, or the fees of the Claims Administrator.

C. Calculations to Be Based on the Meadows' Records

For each Class Member, the amount payable to the Class Member will be calculated based on the Meadows' records. Those records will be presumed correct with respect to the calculation of award amounts and number of shifts worked during the Class Period as a Dealer, unless a Class Member challenges the accuracy of those records or calculations. If a Class Member disputes the accuracy of the records or calculations, the Class Member should submit documentation in writing (*i.e.*, pay stubs, resignation letter, W-2s, etc.) supporting his or her position to the Claims Administrator **within 45 days of the mailing date of this Notice**. The Parties will attempt to resolve the matter informally, but if they cannot do so, the Claims Administrator will review the records and any written information or documents submitted by the Class Member and issue a non-appealable decision as to the amount of time allegedly worked by the Class Member as a Dealer during the Class Period.

D. Release

Upon the Effective Date of the Settlement, the Settlement Class and each member of the Settlement Class who has not submitted a timely and valid Request for Exclusion Form, shall be deemed to have, and shall have, fully and finally released and discharged Cannery Casino Resorts, LLC and Washington Trotting Association, Inc., their present and former parent entities, subsidiaries, related or affiliated companies, shareholders, officers, directors, managers, members, employees, agents, attorneys, insurers, successors and assigns, and any individual or entity that could be jointly liable with Cannery Casino Resorts, LLC and Washington Trotting Association, Inc. ("Released Parties") for and from, all claims that were asserted in, arise out of, or could have arisen during the Class Period based on the facts alleged in the Complaint, including any and all applicable local, state,

and federal law wage-and-hour claims including, but not limited to, contractual or common law claims for unpaid wages and/or overtime, claims arising under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, claims arising under the Pennsylvania Minimum Wage Act, the Pennsylvania Wage Payment and Collection Law, and rights, demands, liabilities and causes of action of every nature and description, whether known or unknown. (“Released Claims”) Except, Released Claims shall not include: (a) claims that arise after the Class Period; (b) claims that cannot be released by law; and (c) claims for accrued or vested rights under any welfare, pension, or other deferred income plan in which any Class Member is or was a participant while employed at the Meadows.

E. Additional Enhancement Payments for the Class Representative

The Class Representative Michael C. Yanchak will receive an additional service payment in an amount to be set by the Court not to exceed the total sum of Seven Thousand Five Hundred Dollars (\$7,500). Any payment approved by the Court is for his time and effort expended on behalf of the litigation.

F. Attorneys’ Fees

The attorneys for the Plaintiff and the class (“Class Counsel”) represent the Plaintiff and the Settlement Class as it pertains to the claims alleged in this Lawsuit. Class Counsel filed this action, have actively litigated the case and have brought it to resolution. Class Counsel will request the Court award fees from the Settlement of \$116,550 and also up to \$5,500 to reimburse them for litigation costs that they have advanced. The Court will determine the appropriate fees and costs.

G. Support for the Settlement

The Class Representatives, Class Counsel, Cannery Casino Resorts, LLC, and Washington Trotting Association, Inc. strongly support this Settlement. This issue has been fully investigated and litigated by Class Counsel. Even if a class could be certified, trial would be lengthy and have risks. Even if the class won at trial, damages might not exceed the amount of this settlement, and the judgment could be appealed, resulting in further lengthy delays.

H. Claims Administrator

The Claims Administrator will receive a payment for handling the claims administration for this case and its costs. It is estimated that the costs of claims administration should not exceed approximately \$11,000.00. One half of the total Claims Administration costs will be paid out of the Maximum Settlement Amount; the other half of the Claims Administration costs will be paid separately by Cannery Casino Resorts, LLC and Washington Trotting Association, Inc.

4. WHAT ARE YOUR RIGHTS AS A CLASS MEMBER?

A. Excluding Yourself from the Settlement (YELLOW FORM)

Any Class Member who does **NOT** wish to participate in the Settlement may exclude himself or herself (*i.e.*, “opt-out”) by completing the yellow Request for Exclusion Form. The Request for Exclusion Form must be signed, dated, completed, and returned by certified mail or fax to:

**Yanchak v. Cannery Casino Resorts, LLC and
Washington Trotting Association, Inc.
c/o CPT GROUP, Inc.
16630 Ashton Street
Irvine, California 92606**

Fax Number: _____

The Request for Exclusion Form must be postmarked no later than _____ [45 days after mailing date of notice]. **If you submit an Exclusion Form which is postmarked after _____, your Exclusion Form will be rejected, and you will be bound by the Release and all other Settlement Terms.**

Persons who submit a Request for Exclusion may be contacted by either Class Counsel or Defense Counsel.

Any person who files a complete and timely Request for Exclusion Form shall, upon receipt by the Claims Administrator, no longer be a member of the Settlement Class, shall be barred from participating in any portion of the Settlement, and shall receive no benefits from the Settlement. Any such person, at their own expense, may pursue individually any claims he/she may have against Cannery Casino Resorts, LLC and Washington Trotting Association, Inc. If you wish to exclude yourself and wish to pursue an individual action, you should know there are time limits on your right to file any such individual action.

B. Objection to Settlement

You can object to the terms of the Settlement before final approval. If the Court rejects your objection, you will still be bound by the terms of the Settlement. To object to the Settlement, you must file a written objection with the Clerk of the United States District Court for the Western District of Pennsylvania, 700 Grant Street, Pittsburgh, PA 15219 and send copies to the following via registered or certified mail, facsimile or email:

CLASS COUNSEL:

Maureen Davidson-Welling
Stember Cohn & Davidson-Welling, LLC
The Hartley Rose Building
425 First Avenue, 7th Floor
Pittsburgh, PA 15219

DEFENDANTS' COUNSEL:

Marla N. Presley
Jackson Lewis, LLP
1001 Liberty Avenue
Suite 1000
Pittsburgh, PA 15222

CLAIMS ADMINISTRATOR:

CPT Group, Inc.
16630 Ashton Street
Irvine, California 92606

Any written objections must state specific reasons in support of your objection and any legal support for each objection. Your objection must also state your full name, current address, telephone number, the last four digits of your social security number, and the dates of your employment at the Meadows as a Dealer during the Class Period.

To be valid and effective, any objections to approval of the Settlement must be filed with the Clerk of the Court **and** mailed or faxed to the Claims Administrator and each of the above-listed attorneys no later than _____.

Class Members who file and serve timely notices of objection will have a right to appear and have their objections heard at the Court hearing on final approval of the Settlement ("Final Settlement Approval Hearing"). For information on the scheduled date and location for the Final Settlement Approval Hearing, see Section 6 of this Notice, below. **DO NOT TELEPHONE THE COURT.**

If you choose to file an objection to the terms of this Settlement, you may enter an appearance in this case either with or without your own attorney. To do so, you must file an Entry of Appearance with the Clerk of the Court and deliver copies to each of the attorneys listed above. Such Entry of Appearance must be filed with the Court and received by the above attorneys no later than _____, 2016. You may continue as a Settlement Class Member either with or without your own attorney, but you will be solely responsible for the fees and costs of your own attorney.

C. Do Nothing

If you want to participate in this settlement—**DO NOTHING**. However, please be advised that if you do nothing, ***you will be bound by the Release and you will receive a settlement payment.*** If you do not want to be bound by the Release, you must exclude yourself from the settlement by sending in the Exclusion Form (Yellow Form).

D. No Retaliation

Whether you exclude yourself from this settlement, object to this settlement or do nothing, you are protected by law from retaliation. Cannery Casino Resorts, LLC and Washington Trotting Association, Inc. do not tolerate or engage in retaliation.

E. Contacting the Claims Administrator

If you wish to contact the Claims Administrator, you can do so either by mail or telephone using the information in Paragraph 4.B above. Please tell them you are contacting them regarding “Yanchak v. Cannery Casino Resorts, LLC and Washington Trotting Association, Inc.”

5. EFFECT OF THE SETTLEMENT

A. Released Rights and Claims

It is the desire of the Class Representative, Class Members, Cannery Casino Resorts, LLC and Washington Trotting Association, Inc. to fully, finally, and forever settle, compromise, and discharge disputes and claims alleged in the Action. Upon the Settlement Approval and Dismissal Order becoming final and non-appealable (“Effective Date”), the Representative Plaintiff and each Class Member who has not submitted a timely and valid notice of exclusion shall be bound by the Settlement as to the Released Claims, as defined above in Section 3(D), and shall have recourse exclusively to the benefits, rights and remedies provided by the Settlement. In exchange for the consideration provided pursuant to the Settlement, the Representative Plaintiff and each Class Member who has not excluded him/herself shall be deemed to have, and by operation of the Settlement Approval/Dismissal Order and Judgment shall have, fully, finally and forever released, relinquished and discharged Cannery Casino Resorts, LLC and Washington Trotting Association, Inc. from the Released Claims.

B. Payment of Settlement Benefits

The Claims Administrator shall issue and mail the Settlement Award checks to Class Members within twenty-one (21) calendar days after the Effective Date of the Settlement.

6. FINAL SETTLEMENT APPROVAL HEARING

The Court will hold a hearing in Courtroom ____ of the United States District Court for the Western District of Pennsylvania, 700 Grant Street, Pittsburgh, Pennsylvania 15219 on _____, at ____ a.m. (Eastern Time), to determine whether the Settlement should be finally approved as fair, reasonable, and adequate. The Court also will be asked to approve Class Counsel’s request for attorneys’ fees, reimbursement of costs, and the service payment to be paid to the Class Representative. Class Counsel’s application for attorneys’ fees and reimbursement of costs will be on file with the Court no later than _____ and will be available for review after that date.

The Final Settlement Approval Hearing may be continued without further notice to the Settlement Class. **It is not necessary for you to appear at this hearing unless you wish to argue an objection.**

**DO NOT TELEPHONE THE COURT, OR THE CLERK OF COURT, OR COUNSEL
FOR DEFENDANTS FOR INFORMATION**

IF YOU ARE SEPARATELY REPRESENTED BY YOUR OWN COUNSEL,
DO NOT CONTACT CLASS COUNSEL;
HAVE YOUR ATTORNEY CONTACT CLASS COUNSEL